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Letter dated 21 October 2016 from the Secretary-General addressed to the President of the Security Council

I have the honour to transmit a letter dated 13 October 2016 from Smail Chergui, Commissioner for Peace and Security of the African Union, forwarding, on behalf of the Chairperson of the African Union Commission, Nkosazana Dlamini Zuma, a communiqué on Burundi adopted by the Peace and Security Council of the African Union at its 631st meeting, held in Addis Ababa on 6 October 2016 (see annex).

I should be grateful if you could bring the present letter and its annex to the attention of the members of the Security Council.

(*Signed*) **BAN** Ki-moon

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Annex

On behalf of the Chairperson of the African Union Commission, Nkosazana Dlamini Zuma, I would like to forward herewith the communiqué on the situation in Burundi adopted by the African Union Peace and Security Council at its 631st meeting, held in Addis Ababa on 6 October 2016 (see enclosure).

On the basis of the observations made in the briefing provided by the Special Representative of the Chairperson of the Commission, Ibrahima Fall, the Peace and Security Council acknowledged the improvement of the security situation in the country and urged the Government of Burundi to expedite the signing of the memorandum of understanding with the African Union Commission for the smooth deployment of African Union human rights observers and military experts. The Peace and Security Council further stressed the need to start a discussion with the United Nations on the modalities for the deployment of 228 United Nations police officers, as authorized by the Security Council in its resolution 2303 (2016) of 29 July 2016.

The Commission looks forward to the usual support of the United Nations and would highly appreciate it if the attached communiqué of the Peace and Security Council on the situation in Burundi could be circulated to members of the United Nations Security Council for action as appropriate.

(*Signed*) Smaïl **Chergui**
Commissioner for Peace and Security of the African Union

Enclosure

Communiqué on the situation in Burundi

The Peace and Security Council of the African Union, at its 631st meeting, held in Addis Ababa on 6 October 2016, adopted the following decision on the situation in Burundi:

The Council,

1. **Takes note** of the briefing by the Special Representative of the Chairperson of the Commission for the Great Lakes region, Ibrahima Fall, as well as the statements by the representatives of the Republic of Angola, as the African member of the United Nations Security Council, the United Nations, the European Union and the permanent members of the Security Council, namely, France, the United Kingdom and the United States of America;

2. **Recalls** its previous communiques and press statements on the situation in Burundi, in particular, communique PSC/PR/COMM.(DLXXXI) adopted at its 581st meeting, held on 9 March 2016;

3. **Acknowledges** that the security situation in the country has improved, especially in the capital city Bujumbura and its surrounding areas, and in this respect, the Council urges the Government of Burundi to continue to enhance security and safety, ensuring fundamental freedoms and civil liberties for all Burundians, including by reopening the space for the media;

4. **Strongly condemns** all incidents of violation of human rights, arbitrary arrests and targeted killings by whomsoever in the country, and urges the Government to take further stern and urgent measures to put these actions to a definite end;

5. **Reiterates** the imperative of urgent resumption of the inter-Burundian dialogue under the aegis of the East African Community as the only practical way forward to resolve the crisis in the country. In this regard, the Council reaffirms the need for a consensual approach among all the Burundian stakeholders to address and resolve contentious issues relating to the situation in the country, and in so doing, to uphold the Constitution and the Arusha Peace and Reconciliation Agreement of August 2000;

6. **Underscores** the need for the deployment of additional African Union human rights observers and military experts, in line with the relevant decisions of the Council, to monitor and report on the human rights and security situation in Burundi. In this respect, the Council calls for the full cooperation of the Burundian authorities and other concerned stakeholders in the country;

7. **Urges** the Government of Burundi to expedite the signing of the memorandum of understanding with the African Union Commission for the smooth deployment of African Union human rights observers and military experts in Burundi, as well as to start discussion with the United Nations on the modalities for deployment of the 228 United Nations police officers as authorized by the United Nations Security Council in its resolution 2303 (2016) of 29 July 2016;

8. **Further urges** the Government of Burundi, in consultation with the Office of the United Nations High Commissioner for Refugees and the countries hosting Burundian refugees, to promote and ensure safe conditions for the return of refugees into the country and their resumption of normal life;

9. **Requests** the African Union Commission to continue to closely monitor the situation in Burundi and to brief the Council on a regular basis, in order for it to take appropriate decisions;

10. **Requests** the Commission to take the necessary measures to invite the East African Community facilitator of the inter-Burundian dialogue, former President Benjamin Mkapa, to brief the Council on the status of the dialogue;

11. **Further requests** the Chairperson of the Commission to transmit this communique to the Secretary-General of the United Nations, for it to be circulated as a document to members of the United Nations Security Council;

12. **Decides** to remain actively seized of the matter.

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Twenty-fourth semi-annual report of the Secretary-General to the Security Council on the implementation of Security Council resolution 1559 (2004)

I. Background

1. The present report is my twenty-fourth semi-annual report on the implementation of Security Council resolution 1559 (2004). It provides a review and an assessment of the implementation of the resolution since my previous report on the subject, dated 22 April 2016 (S/2016/366). I note the continued lack of progress on key provisions of the resolution and highlight concerns about ongoing pressure on the sovereignty, territorial integrity and political independence of Lebanon.

2. The month of May marked the two-year anniversary of the vacancy in the presidency of Lebanon and, as at the time of writing, the position had yet to be filled. Attempts at resolving the situation have thus far not led to any breakthrough. The vacuum at the top level of the State institution has begun to affect other political decision-making forums, including the Cabinet, triggering concerns of further institutional paralysis. In that context, the Prime Minister, Tammam Salam, led the work of the Government in the face of adverse circumstances. While the boycott of parliamentary sessions by the Free Patriotic Movement and Hizbullah continued, the parliamentary dialogue under the auspices of the Speaker, Nabih Berri, held four sessions, all of which included discussions on the presidency, and the dialogue between the Future Movement and Hizbullah was maintained.

3. The conflict in the Syrian Arab Republic continued to have an impact on the security and stability of Lebanon and attacks occurred during the reporting period, in Qa' and Kasarah. In September, a Lebanese military court indicted two Syrian intelligence officers for their alleged involvement in an attack against two Sunni mosques in Tripoli in August 2013.

4. The Lebanese Armed Forces proactively pre-empted, prevented and responded to threats to the stability and security of Lebanon, including on the outskirts of the town of Arsal, where armed clashes with extremist militants continued to occur. In terms of overall security, an explosion took place on 12 June at a bank in Beirut. Beginning on 24 July, some 60 Palestinian individuals suspected of terrorist and criminal acts from the Palestine refugee camp of Ein El Helweh surrendered to the Lebanese authorities.

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5. The number of registered refugees from the Syrian Arab Republic remained stable at slightly more than 1 million. The number of Palestine refugees from the Syrian Arab Republic fell to some 30,000 as at August 2016. As at the same date, $1.22 billion had been disbursed or committed to be disbursed in 2016, and $344 million carried over from 2015. These contributions included $979 million provided to United Nations system agencies and non-governmental organizations in support of activities under the Lebanon Crisis Response Plan, representing 39 per cent of the funding requested. In addition, $140 million was pledged to the Concessional Financing Facility for the Middle East and North Africa. There were concerns during the reporting period that refugees might be the object of retaliatory attacks, particularly in the aftermath of the suicide bombing in Qa', but such attacks did not materialize.

6. Lebanon participated in the high-level plenary meeting of the General Assembly on addressing large movements of refugees and migrants, held on 19 September, at which Member States adopted the New York Declaration for Refugees and Migrants (resolution 71/1). At that forum, the Prime Minister stated that the refugee crisis posed serious problems for the country's stability, security, economy and public services. He emphasized that Lebanon could not cope with that "existential challenge" alone and that, barring a massive international effort, it risked collapsing. He also attended the Leaders' Summit on the Global Refugee Crisis, held on the margins of the General Assembly on 20 September, under the auspices of the United States of America, Canada, Ethiopia, Germany, Jordan, Mexico and Sweden.

II. Implementation of resolution 1559 (2004)

7. Since the adoption of resolution 1559 (2004) on 2 September 2004, several of its provisions have been implemented, as I highlighted in my previous reports. Presidential and parliamentary elections were conducted freely and fairly in 2008 and 2009. The Syrian Arab Republic withdrew its troops and military assets from Lebanon in April 2005. Lebanon and the Syrian Arab Republic established full diplomatic relations in 2009.

8. During the reporting period, the Prime Minister continued to affirm the respect of Lebanon for all United Nations resolutions. The conflict in the Syrian Arab Republic and its impact on Lebanon, however, have limited progress in the implementation of the outstanding provisions of resolution 1559 (2004) and other resolutions pertaining to Lebanon.

9. The delineation of the Syrian-Lebanese border, which was strongly encouraged by the Security Council in its resolution 1680 (2006), is still pending. Moreover, the existence and activities of Lebanese and non-Lebanese militias along the border remain a threat to the stability of the country and the region. The Lebanese Armed Forces still have three regiments deployed on the eastern border. The capabilities of the Lebanese Armed Forces in that vulnerable border area have increased steadily, playing therefore an essential role in defending the country's stability at its front lines. It remains essential that the Lebanese State achieve a full monopoly on the possession of weapons and the use of force throughout Lebanon. Continued support from the international community in that regard remains a priority.

A. Sovereignty, territorial integrity, unity and political independence of Lebanon

10. With the adoption of resolution 1559 (2004), the Security Council aimed at strengthening the sovereignty, territorial integrity, unity and political independence of Lebanon under the sole and exclusive authority of the Government of Lebanon throughout the country, in line with the Taif Accords of 1989, to which all the political parties in Lebanon had committed themselves. That objective has remained the highest priority of my efforts to facilitate the implementation of all resolutions pertaining to Lebanon.

11. The presidency has remained vacant for two years and almost five months. In their press statement of 24 May and the presidential statement of 22 July (S/PRST/2016/10), Council members underlined in the strongest possible terms their concern over the prolonged vacancy, which had impaired the ability of Lebanon to address the growing security, economic, social and humanitarian challenges facing the country. Similarly, in his speech to the General Assembly on 22 September, the Prime Minister acknowledged that the vacuum had "led to a quasi-paralysis of the legislative authority", slowed down the work of the executive and had "negative repercussions on the economic situation".

12. Since its session of 21 June, the parliamentary dialogue, spearheaded by the Speaker, has considered the idea of a "package deal" that would seek to address most outstanding issues, including the presidency, the premiership and the electoral law, but has failed to garner consensus to date. In its session of 2 to 4 August, the parliamentary dialogue discussed the formation of a senate and the implementation of decentralization. On 5 September, the Speaker suspended the dialogue's sessions. The parliament held no sessions, further to the boycott by Hizbullah and the Free Patriotic Movement. The Prime Minister demonstrated strong leadership and persistence in leading the Cabinet at a time when its efficiency has been affected adversely by the lack of agreement by ministers on outstanding issues and by announcements of resignations or the suspension of participation in meetings, both of which have hindered its ability to make decisions on issues of daily importance to Lebanese citizens.

13. On 25 August, the Free Patriotic Movement began a boycott of Cabinet sessions in protest against the extension of the terms of senior military officials, threatening to resort to street protests with the stated goal of overthrowing the Government if its demands were not met. This came in the context of the expected extension of the term of Commander of the Lebanese Armed Forces, General Jean Kahwaji, for one year, which occurred on 30 September. Against that backdrop, Lebanese politicians have expressed continuous concern at the viability and limited efficiency of the Cabinet. The Cabinet has sought to reach an agreement on the State budget, unsuccessfully to date. Discussions on a new electoral law for the parliamentary elections scheduled to be held in May 2017 have not led to an agreement thus far.

14. The dialogue between the Future Movement and Hizbullah continued. On 19 July, in the aftermath of the attack on Qa', interlocutors in the forum stressed their support for the Lebanese army and security apparatuses in their efforts to combat terrorism and strongly condemned all forms of terrorist acts. On

20 September, they discussed the crisis of the presidency, the Government and the parliament, and its consequences for the country's stability, after the parliamentary dialogue had been suspended.

15. On 2 September, two Syrian intelligence officers were indicted by a Lebanese military court for their alleged involvement in the twin suicide bombings against two Sunni mosques in Tripoli on 23 August 2013 (see S/2013/612) that left 40 people dead and scores injured. Five Lebanese nationals were also arrested in relation to the attack. Several peaceful demonstrations were held on 9 September in Tripoli against alleged Syrian involvement in the bombing and against two Syrian-affiliated Lebanese political groups, the Arab Democratic Party and a faction of the Islamic Unification Movement.

16. In its resolution 1680 (2006), the Security Council strongly encouraged the Government of the Syrian Arab Republic to respond positively to the request of the Government of Lebanon to delineate their common border. I continue to call upon the Syrian Arab Republic and Lebanon to achieve the full delineation of their common border. Given the ongoing conflict in the Syrian Arab Republic, however, progress has been even more difficult to achieve and no tangible steps were taken by either side in that regard during the reporting period.

17. The delineation and demarcation of the boundaries of Lebanon remain key elements to guaranteeing national sovereignty and territorial integrity. They are also critical to facilitating proper border control. The complex security situation along the Syrian-Lebanese border in the current circumstances, including persistent reports of cross-border fighting and movements of arms and people, further underlines the urgency of demarcating the border. While acknowledging the bilateral nature of border delineation, progress on the matter remains an obligation of the two countries, in accordance with Security Council resolutions 1680 (2006) and 1559 (2004).

18. Cross-border violations of Lebanese sovereignty and territorial integrity have continued on the eastern and northern borders as a direct result of the conflict in the Syrian Arab Republic. During the reporting period, there were reports of 18 cross-border shooting incidents and eight incidents of shelling.

19. The ongoing occupation by Israel of the northern part of the village of Ghajar and an adjacent area north of the Blue Line stands in violation of the sovereignty of Lebanon and resolutions 1559 (2004) and 1701 (2006). I continue to call for the withdrawal of the Israel Defense Forces from the area.

20. There was no progress in relation to the issue of the Shab'a Farms area during the reporting period. Neither the Syrian Arab Republic nor Israel has yet responded with regard to the provisional definition of the area contained in my report on the implementation of resolution 1701 (2006), issued on 30 October 2007 (S/2007/641). I will provide an update on developments on the ground in the Shab'a Farms area in my upcoming report on the implementation of resolution 1701 (2006).

21. Unmanned aerial vehicles and fixed-wing aircraft, including fighter jets, of the Israel Defense Forces persisted in conducting almost daily overflights of Lebanon during the reporting period, in violation of Lebanese sovereignty and resolutions 1559 (2004) and 1701 (2006). The Government of Lebanon has regularly and

repeatedly protested against the violations. I have deplored them and demanded that they cease immediately.

B. Extension of control of the Government of Lebanon over all Lebanese territory

22. The Government of Lebanon has reiterated to the United Nations its intention to extend State authority over all Lebanese territory, as called for in the Taif Accords and in resolution 1559 (2004). The Lebanese Armed Forces and the internal security forces have played a crucial role in implementing that commitment under difficult circumstances in which the ability of the Lebanese State to fully exercise its authority over all its territory continues to be challenged.

23. Concern remains at the involvement of Lebanese fighters, including members of Hizbullah, in the Syrian conflict. The movement has continued to publicly acknowledge its participation in the fighting in the Syrian Arab Republic, most recently in a speech on 24 June, in which its Secretary-General, Hassan Nasrallah, stated that it was fighting in Aleppo. He said that it was not possible to separate Lebanon from developments in the region, in particular the Syrian Arab Republic and Iraq, in blatant disregard of the commitment by Hizbullah to the Baabda Declaration and the Lebanese policy of disassociation. Other Lebanese nationals have participated in the fighting across the border in the Syrian Arab Republic alongside Syrian opposition forces, the former Nusrah Front and Islamic State in Iraq and the Levant (ISIL). The involvement of Hizbullah and other Lebanese elements in the fighting in the Syrian Arab Republic seriously jeopardizes the stability and security of Lebanon.

24. The two successive attacks that struck the village of Qa' on 27 June brought to renewed attention the persistent risks to the security and stability of Lebanon as a result of the conflict in the Syrian Arab Republic and triggered concerns about the risk of sectarian tensions. In a first attack in the early morning of 27 June, four suicide bombers killed 5 people and injured 19 others, including 4 Lebanese soldiers. The Lebanese Armed Forces deployed heavily, cordoned off the area and launched a search operation. Later that day, four other suicide bombers detonated charges in the same village, causing no fatalities, but slight injuries to 13 individuals. There was no claim of responsibility for either attack. In the aftermath of the attack, Hizbullah reportedly set up its own checkpoints and dispatched its so-called "resistance brigades". Although Qa' may not have been the originally intended target of the attackers, this was the first attack in a Christian village in Lebanon since the beginning of the Syrian conflict and it triggered calls by some in the Christian community to take up arms in self-defence. Immediately after the attack, the Lebanese Armed Forces and the Prime Minister publicly asked residents to refrain from "chaotic self-defence". Following the attacks, several hundred Syrian men and a smaller number of Lebanese nationals were arrested throughout the country during security operations. Most Syrian nationals were arrested for illegal stay and released shortly thereafter. In addition, fears surfaced that retaliatory attacks against Syrian refugees from among Lebanese communities could occur, but ultimately did not. The Minister of the Interior, Nohad Machnouq, stated that the attackers had not come from among the Syrian refugees located in the vicinity. On

14 July, the State Commissioner to the Military Court charged three suspects over their involvement in the attack.

25. On 31 August, a roadside bomb exploded near the Biqa' town of Zahlah, killing a woman and lightly injuring 11 other people. There was no claim of responsibility. On 22 September, the Lebanese Military Prosecutor indicted 12 individuals in connection with the attack, five of whom were already in custody. The Speaker stated the day after the attack that it had been aimed at supporters from his Amal movement who were being transported to a commemoration nearby.

26. The Lebanese Armed Forces continued operations against extremist armed militants in eastern Lebanon, in particular around the town of Arsal. On 23 June, heavy clashes took place between ISIL and the former Nusrah Front after the army destroyed a vehicle carrying extremist militants, killing a number of them and injuring others. From 13 to 16 July, intense clashes took place between the Lebanese Armed Forces and extremist elements, during which the army used heavy artillery and rocket launchers, inflicting casualties among the militants. On 4 August, the Lebanese Armed Forces intensified operations on the outskirts of Arsal, including by raiding an alleged hideout of ISIL there that resulted in the killing of an alleged ISIL member and the arrest of two others, wanted on suspicion of involvement in rigging cars used in attacks in Lebanon in 2013 and 2014. A number of Syrian refugees were arrested in raids as the army undertook widespread search operations in the area of Mashari' al-Qa'. On 11 and 14 August, the Lebanese Armed Forces used heavy artillery to target militants on the outskirts of Arsal, R'as Ba'albak and Qa'. On 15 August, a roadside bomb targeted a Lebanese Armed Forces vehicle outside Arsal, lightly wounding five soldiers, and stressing the direct threats that security and army personnel still face. Hizbullah also reportedly clashed with extremist elements during the reporting period in the vicinity of Arsal and on the outskirts of Qa'. On 23 July, one of the recently elected representatives of Arsal escaped an assassination attempt, and an explosive device found near his home was dismantled on 21 August. On 17 May, a military judge sentenced 106 men to death for belonging to terrorist organizations, attacking the town of Arsal and kidnapping and attempting to kill Lebanese soldiers and police officers.

27. Security plans continued to be implemented by the national and security forces in the towns of Arsal and Tripoli, the Biqa' and southern Beirut, and the political consensus supporting their implementation was maintained. Nine members of the personnel from the Lebanese security forces abducted in August 2014 remained detained.

28. Efforts by the international community to build the capacity of the Lebanese Armed Forces made continuous and sustained progress. During the reporting period, these included an increase in bilateral assistance from the United States through the delivery of equipment worth more than $50 million to the Lebanese Armed Forces, the continuation of the border observation posts project by the United Kingdom of Great Britain and Northern Ireland and Canada, and the delivery of 14 million euros by the European Union for the integrated border management programme, in addition to continued assistance by other Member States for strengthening the border capacity of the Lebanese Armed Forces.

29. Reports of arms smuggling and cross-border incidents continued, which the United Nations has no means of verifying independently. This highlights the continued importance of improving the capacity of the security forces to manage and control the border effectively so as to prevent armed groups and militias in Lebanon from expanding their arsenals.

C. Disbanding and disarmament of Lebanese and non-Lebanese militias

30. In its resolution 1559 (2004), the Security Council called for the disarming and disbanding of all Lebanese and non-Lebanese militias, a key provision of the resolution that has not yet been implemented. It reflects and reaffirms a decision to which all Lebanese committed themselves in the Taif Accords, which led at the time to Lebanese militias, with the exception of Hizbullah, relinquishing their weapons. Given the current national context, and the impact of the Syrian crisis on Lebanon, it is critical that such commitments be upheld and implemented by all in order to avoid the spectre of a renewed confrontation among the Lebanese and to strengthen the institutions of the State.

31. Lebanese and non-Lebanese militias within the country continue to operate outside the control of the Government, in serious violation of resolution 1559 (2004). While several groups across the political spectrum in Lebanon possess weapons outside government control, the armed component of Hizbullah is the most significant and most heavily armed Lebanese militia in the country. The maintenance of arms by Hizbullah and other groups poses a serious challenge to the State's ability to exercise full sovereignty and authority over its territory. In addition, several Palestinian armed groups continue to operate in the country inside and outside the refugee camps.

32. There has been no tangible progress towards the disbanding and disarming of Lebanese and non-Lebanese militias, as called for in the Taif Accords and resolution 1559 (2004). Since the adoption of that resolution, no practical steps have been taken to tackle that crucial issue, which lies at the heart of the sovereignty and political independence of Lebanon. Several Lebanese political parties and individuals continue to speak up against the maintenance by Hizbullah of a military arsenal, which they consider to be a destabilizing factor in the country and one that undermines democracy.

33. I have repeatedly expressed my deep concern to Lebanese leaders about the serious risks that armed groups pose to the stability of the country and the region. I have urged them to tackle the matter without further delay, given that it is their obligation under Security Council resolution 1559 (2004). In a democratic State, it is a fundamental anomaly that a political party maintains its own militia. Nonetheless, Hizbullah has continued to claim openly that its military capacity is separate from that of the Lebanese State and that its arms serve as a deterrent against potential aggression from Israel.

34. The National Dialogue had previously played a key role in seeking to address the disarmament of armed groups, including by discussing a proposed national defence strategy. There have been no sessions of the National Dialogue held since 2014, however, another adverse effect of the presidential vacuum.

35. On 12 June, an explosion took place at the BLOM bank in central Beirut, causing two minor injuries. There was no claim of responsibility. The Prime Minister qualified the attack as a terrorist crime aimed at hitting economic stability and threatening the national security of Lebanon, given that the banking sector was one of the main pillars of the State in the light of the paralysis of the country's institutions. The incident occurred during the national debate over measures of compliance with the Hizbullah International Financing Prevention Act, implemented by Lebanese banks. Against that backdrop, in a speech on 24 June, the Secretary-General of Hizbullah stated that Hizbullah rejected that law but was not affected by it, given that its budget, salaries, expenses, weapons and arsenal were all provided by the Islamic Republic of Iran, as were the rockets with which it "threatened Israel". This demonstrates yet again that Hizbullah maintains unauthorized weapons outside the control of the State. Referencing these statements in a letter dated 5 July addressed to the Secretary-General and the President of the Security Council (S/2016/593), the Permanent Representative of Israel called upon the Security Council to condemn the Islamic Republic of Iran for its "destabilizing role in the region" and to demand that it comply with resolutions 1701 (2006) and 1559 (2004) and "stop transferring weapons to terrorist organizations".

36. At its summit held in Nouakchott in July and its meeting held in Cairo on 8 September, the League of Arab States condemned the alleged activities of "terrorist Hizbullah" in Bahrain. Lebanon expressed reservations to the qualification of Hizbullah as terrorist. In a letter dated 16 August addressed to the Secretary-General and the President of the Security Council (S/2016/717), the Permanent Representative of Israel called for condemnation of the "dangerously destabilizing activities" of Hizbullah further to its alleging "direct involvement in developing a terrorist infrastructure in the West Bank and Gaza", including by recruiting, training and financing operatives to carry out attacks against Israelis in Israel and in the region.

37. On 11 July, the Appeals Chamber of the Special Tribunal for Lebanon found that sufficient evidence had been adduced to establish the death of Mustafa Badreddine, a Hizbullah leader indicted by the Tribunal for the assassination of Rafiq Hariri. Badreddine was killed on 12 May in the Syrian Arab Republic.

38. Humanitarian conditions for Palestine refugees in Lebanon remained dire. The total number of Palestine refugees from the Syrian Arab Republic was approximately 30,000, a notable decrease from the previous reporting period resulting from the departure of some 10,000 of the refugees for third countries. On 25 August, the Lebanese Cabinet agreed to conduct a census of Palestine refugees in Lebanon. The United Nations has continued to urge the Lebanese authorities to improve the living conditions of the refugees. Those efforts should be undertaken without prejudice to the eventual resolution of the Palestine refugee question in the context of a comprehensive peace agreement in the region.

39. The situation in the Palestine refugee camp of Ein El Helweh grew tense during the reporting period. In an incident on 19 July, a Fatah supporter was shot dead and two others, including a child, were wounded. On 21 July, an alleged affiliate of the Islamic Bilal Badr group was shot and injured in the camp. On 26 July, the Lebanese Armed Forces reported having thwarted plans by ISIL and the former Nusrah Front to perpetrate terrorist attacks inside and outside the camp, including in Sidon and

Beirut. The next day, the Minister of the Interior stated that the situation in the camp was under control. Divisions between and within the Palestinian factions active inside the camp also persisted, leading to a number of attacks and retaliations. Nevertheless, the cooperation between the Lebanese authorities and Palestinian representatives, including through close coordination with the joint Palestinian security forces, to maintain security in the camps remained effective. This was exemplified by the surrender, beginning on 24 July, of up to 60 individuals suspected of having perpetrated terrorist and criminal acts, a number of whom were reportedly affiliated with Jund al-Sham, Sheikh Ahmad al-Assir and the Hizbullah-affiliated so-called "resistance brigades". The radical Islamist group calling itself "Shabab al-Muslim" also announced that it had disbanded. On 19 September, Palestinian factions in the northern refugee camp of Beddawi handed over two Palestinians allegedly involved in an earlier armed clash in the camp. Also on 19 September, a Palestinian man suspected of being a Lebanese Armed Forces informant and of having contributed to the surrenders was shot dead. On 23 September, the Lebanese Armed Forces reported having arrested a suspected leader of ISIL in the Ein El Helweh camp, Imad Yassin, adding that he had been "planning several terrorist bombings against military posts, vital and touristic facilities, commercial markets, popular gatherings and residential areas in more than one Lebanese region commissioned and aided by terrorist organizations outside the country".

40. The presence of Palestinian armed groups outside the camps continues to challenge the ability of Lebanon to exercise full sovereignty over its territory. Notwithstanding the decision taken in 2006 by the National Dialogue and confirmed in subsequent sessions, no progress was made during the reporting period with regard to dismantling the military bases of the Popular Front for the Liberation of Palestine-General Command and Fatah al-Intifada in the country. All but one of the bases are located along the Syrian-Lebanese border. Their presence has been undermining Lebanese sovereignty and governmental authority and makes the delineation of the border more difficult. It poses a serious challenge to the effective control of the eastern border between Lebanon and the Syrian Arab Republic. I have reiterated my calls upon the Lebanese authorities for the implementation of earlier decisions of the National Dialogue, specifically those relating to the dismantling of the above-mentioned military bases, and upon the Government of the Syrian Arab Republic to cooperate with those efforts in good faith.

III. Observations

41. I continue to be disappointed at the lack of further tangible progress in the implementation of the remaining provisions of resolution 1559 (2004), including the election of a president. Lebanon still faces challenges to its stability and security, both internally and along its borders with the Syrian Arab Republic, including from terrorist and extremist groups and arms smuggling. I am concerned that the persistent stagnation in the implementation of the resolution could lead to the erosion of provisions already implemented and contribute to a further fragility of State institutions and a deterioration of stability in Lebanon. I reiterate my firm conviction that it is in the best interest of Lebanon and the Lebanese people to make progress towards the full implementation of resolution 1559 (2004) for the long-term stability of the country and the region.

42. The international community has repeatedly called for Lebanese politicians to elect a Head of State. It has now been 27 months since that position fell vacant, preventing important decisions from being made as the country faces pressing political, economic, social and humanitarian issues. I commend the Prime Minister on his extraordinary leadership and wisdom in guiding the country in very difficult times and allowing the Cabinet to continue to make decisions on a limited number of issues. Nevertheless, the Cabinet cannot be expected to fulfil the functions of the presidency and it is troubling that the vacuum is increasingly affecting the proper functioning of other institutions.

43. I reiterate the calls made by the Security Council and the international community upon Lebanese leaders to act responsibly in the face of the mounting institutional crisis and to attend parliamentary sessions to elect a president. I call upon them to refrain from using inflammatory rhetoric and paralysing decision-making for political gain, including given the potential impact of such tactics on sectarian relations in the country. I urge them to work together in a spirit of compromise and in the national interest as the only way forward.

44. I note the Speaker's efforts at developing a sequenced and multi-pronged formula agreeable to Lebanese decision makers, under the auspices of the parliamentary dialogue. This forum is important for fostering consensus among all concerned. The dialogue between the Future Movement and Hizbullah similarly contributes to preventing sectarian tensions and maintaining consensus in support of security and stability throughout the country. At the same time, it is equally important that the parliament be restored in its representative, legislative and oversight functions. Building on the successful municipal elections in May, and as the parliament's term expires in May 2017, I encourage all concerned to work together to ensure the timely holding of the legislative elections as an essential step in the country's democratic process.

45. I remain concerned that, in the absence of a president, the National Dialogue did not hold meetings, including about the disarmament of Lebanese and non-Lebanese groups, and earlier decisions therefore could not be taken forward. The essential role of the president in convening, steering forward and following up on decisions of the National Dialogue is yet another reminder of the importance of filling that function as a matter of urgency.

46. I am deeply concerned by the claims by Hizbullah that it receives its funding, weapons and arsenal from the Islamic Republic of Iran, in clear violation of resolutions 1559 (2004) and 1701 (2006). This demonstrates that Hizbullah maintains a paramilitary capacity outside the authority of the State. I call upon countries in the region that maintain close ties with Hizbullah to encourage the transformation of the armed group into a solely political party and its disarmament, in accordance with the requirements of the Taif Accords and resolution 1559 (2004), in the best interests of Lebanon and regional peace and security.

47. The widespread proliferation of weapons outside the control of the State, combined with the existence of heavily armed militias, undermines the security of Lebanese citizens. The maintenance by Hizbullah of sizeable and sophisticated military capabilities outside the control of the Government of Lebanon remains a matter of grave concern, in particular because it creates an atmosphere of

intimidation and represents a key challenge to the safety of Lebanese civilians and to the government monopoly on the legitimate use of force. I reiterate my call upon Hizbullah and all other parties concerned not to engage in any militant activity inside or outside Lebanon, consistent with the requirements of the Taif Accords and resolution 1559 (2004).

48. I continue to urge the Government and armed forces of Lebanon to take all measures necessary to prohibit Hizbullah and other armed groups from acquiring weapons and building paramilitary capacity outside the authority of the State, in violation of resolution 1559 (2004). The discussion paper on a national defence strategy, developed in the context of the National Dialogue remains a valuable starting point in that regard.

49. I have repeatedly condemned the continued violation of the sovereignty of Lebanon, including cross-border incidents that continue to threaten the country's stability because of the actions of warring parties in the Syrian Arab Republic. I continue to call upon all parties, including the Government of the Syrian Arab Republic, to respect the sovereignty and territorial integrity of Lebanon, in accordance with Security Council resolution 1559 (2004).

50. The participation of Lebanese citizens in the conflict in the Syrian Arab Republic is a breach of the policy of disassociation and the principles of the Baabda Declaration, which was agreed upon by all Lebanese parties in June 2012. The involvement of Hizbullah and other Lebanese elements in the fighting in the Syrian Arab Republic seriously jeopardizes the security and stability of Lebanon. I remain deeply concerned about the continuing threat to Lebanon posed by terrorism and extremism, including from groups such as ISIL and the former Nusrah Front. I am concerned by reports of the involvement of Hizbullah and other Lebanese elements in fighting elsewhere in the region, which risks exposing Lebanon to even greater security threats.

51. I commend the Lebanese security and armed forces on their continuous efforts to prevent and respond to challenges to the country's security and stability. The bombing in Qa' and the attack in Kasarah demonstrate the persistent threats that Lebanon faces as a result of the conflict in the Syrian Arab Republic. Against that backdrop, the proactive deployment of specialized regiments of the Lebanese Armed Forces at the border with the Syrian Arab Republic furthers efforts at fostering a sense of security among communities there. I welcome the progress made in deploying capacity along the largest section of the border to date, with the support of bilateral donors. I appreciate the continuous support by donors to building the capacity of the Lebanese Armed Forces and call for that assistance to be sustained and further strengthened. I reiterate my condemnation of the continued detention of Lebanese soldiers and security forces personnel held captive by the former Nusrah Front and ISIL in the eastern border area between Lebanon and the Syrian Arab Republic and call for their immediate release.

52. I regret the absence of any progress on the delineation and demarcation of the border with the Syrian Arab Republic. I reiterate my view that integrated border management will, in the longer term, contribute significantly to better control of the borders of Lebanon and help to prevent the illegal transfer of weapons and fighters

in both directions, which has become even more pressing in the context of events in the Syrian Arab Republic.

53. I welcome the cooperation between the various security services in the country, which has been sustained and has led to successes in preventing attacks and to a number of arrests of suspected perpetrators of terrorist and criminal acts. These arrests stress the positive impact that the joint action by relevant services has had on the country's ability to bring perpetrators to justice and ensure accountability. Broad political support for the various security operations, including subsequent judicial processes, also sends an important message that impunity for acts of violence will not be tolerated. I note the indictment of suspects in the attacks against two mosques in Tripoli in 2013 and further note with concern their alleged ties to Syrian intelligence services.

54. At a time when the institutional paralysis is deepening and most Lebanese institutions are gradually eroded, it is essential that the political consensus in support of the Lebanese Armed Forces as a national institution rising above confessional affiliations be maintained. I note the extension of the term of the Lebanese Armed Forces Commander and the intermittent boycott of Cabinet sessions by the Free Patriotic Movement in relation thereto. In that context, I call upon Lebanese leaders to continue to shield the Lebanese Armed Forces from political manoeuvring.

55. The situation of Palestine refugees in Lebanon and the limited resources available to the United Nations Relief and Works Agency for Palestine Refugees in the Near East to assist them remains a concern, including in the light of the continued presence, albeit in decreased numbers, of Palestine refugees from the Syrian Arab Republic who have fled the violence there. I join my voice to that of the Prime Minister in calling for donors to increase their support for the Agency. I welcome the work of the joint Palestinian security force in contributing to the surrender to the Lebanese authorities of individuals suspected of terrorist and criminal activities from the Ein El Helweh camp. I welcome the renewed commitment of Palestinian leaders to maintaining security and stability in the camps and the surrounding areas.

56. The persistent violations by Israel of the sovereignty and territorial integrity of Lebanon, including the overflights of Lebanese territory by Israeli military aircraft, remain of serious concern. I reiterate my call upon Israel to adhere to its obligations under relevant Security Council resolutions and to withdraw its forces from the northern part of the village of Ghajar and an adjacent area north of the Blue Line, as well as to cease its overflights of Lebanese airspace, which undermine the credibility of the Lebanese security services and generate anxiety among civilians.

57. I concur with the Prime Minister's concern at the adverse impact of the Syrian crisis on the stability, security, economy and public services of Lebanon. The crisis constitutes not only a major humanitarian and socioeconomic challenge for Lebanon but also a challenge to the country's stability and must be addressed as such. I strongly encourage Member States, including regional donors, to fulfil their burden-sharing responsibilities, as called for by the Prime Minister, by contributing generously through the crisis response plan and the other mechanisms addressed at the Kuwait and London conferences, respectively, including by complementing their

contributions to short-term emergency response with more substantial and predictable multi-year funding for humanitarian, resilience and development activities.

58. I am grateful to Terje Roed-Larsen for his service as my Special Envoy for the implementation of resolution 1559 (2004) for the past 12 years. I remain firmly committed to the implementation of this mandate and, in this regard, have requested my Under-Secretary-General for Political Affairs, Jeffrey Feltman, to assume these responsibilities.

59. I count on the continued commitment of the Government of Lebanon to its international obligations and call upon all parties and actors to fully abide by resolutions 1559 (2004), 1680 (2006) and 1701 (2006). I also call upon Member States to renew efforts to support Lebanon in ensuring respect for its obligations under those resolutions as the best way to advance the country's long-term prosperity and stability as a democratic State. The United Nations will continue its efforts towards the full implementation of those and all other resolutions pertaining to Lebanon.

United Nations S/2016/883

Security Council

Distr.: General
2 November 2016
English
Original: French

Letter dated 20 October 2016 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the President of the Security Council

On instructions from my Government, I have the honour to transmit to you herewith the following documents:

1. Political Agreement for the holding of peaceful, credible and transparent elections in the Democratic Republic of the Congo, signed on 18 October 2016 by all the stakeholders who participated in the dialogue (see annex I);

2. The press release of Mr. Idriss Deby Itno, President of the Republic of Chad and Chairperson of the African Union (see annex II);

3. The press release of Mr. Edem Kodjo, facilitator of the dialogue (see annex III).

I should be grateful if you would have the present letter and its annexes circulated as a document of the Security Council.

(*Signed*) Ignace **Gata Mavita**
Ambassador
Permanent Representative

16-19134 (E) 081116 101116

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Annex I to the letter dated 20 October 2016 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the President of the Security Council

Political Agreement for the holding of peaceful, credible and transparent elections in the Democratic Republic of the Congo

October 2016

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Preamble

We, delegates of the political and social forces of the Democratic Republic of the Congo, representatives of the presidential majority, the political opposition and civil society, as well as Congolese personalities (hereinafter the Parties), meeting in the context of the national and inclusive political dialogue, to address the issue of the organization of peaceful, credible and transparent elections, in accordance with the principles set forth in the Constitution,

Guided by the Constitution of the Democratic Republic of the Congo of 18 February 2006, as amended, United Nations Security Council resolution 2277 (2016) of 30 March 2016 and other relevant national and international legal and normative instruments,

Pledging to fully comply with the Constitution,

Having recognized the need for a national and inclusive political dialogue for some years now, and with a view to improving the electoral process, dealing with the contradictions arising therefrom and preventing potential political crises,

Committed to promoting dialogue and the peaceful settlement of political disputes in a spirit of compromise, while giving primacy to the national interest,

Resolved to strengthen the rule of law through respect for the values of democracy, including tolerance, solidarity, compromise, equality, individual and collective civil liberties, fairness, free and multiparty elections, the separation of powers, respect of institutions, compliance with the rule of law, the independence of the judiciary, abiding by court decisions, abiding by laws and regulations, accountability, good governance and democratic change of government through elections,

Guided by consensus as the means for adopting decisions, and by the road map for the inclusive national political dialogue adopted on 23 August 2016, as amended by the plenary meeting of the dialogue on 5 September 2016,

Enlisting his Excellency Mr. Edem Kodjo, the facilitator appointed by the African Union as a witness,

Considering Order No. 15/084 of 28 November 2015 of the President of the Republic on the convening of the inclusive national political dialogue,

Mindful of our responsibilities before God, the nation, Africa and the world, have agreed as follows:

Chapter I: Electoral roll

Article 1

In order to ensure that the electoral process is inclusive and credible, to ensure universal suffrage and aware that the 2011 electoral roll is inadequate and out of date, notwithstanding a revision undertaken in 2015; taking note of the technical opinion of the National Independent Electoral Commission, supplemented by the reports of experts, including reports of the United Nations, the Organisation Internationale de la Francophonie and national experts, we agree that a new

electoral roll should be established and recommend that the Electoral Commission should continue the ongoing voter identification and registration process.

In order to avoid the significant cost of frequent revisions of the electoral roll, which is an obstacle to the holding of elections scheduled under each electoral cycle in a timely manner, we suggest that the Government should, upon completion of the ongoing work on the electoral roll, make every effort to enable the Office national d'identification de la population (ONIP) to develop a general permanent register of the population of the Democratic Republic of the Congo from which the electoral roll for each electoral cycle will be drawn.

Article 2

The new electoral roll shall, in accordance with Act No. 16/007 of 29 June 2016 amending and supplementing Act No. 04/028 of 24 December 2004 on the identification and enrolment of voters, enrol all Congolese of voting age living in the country and abroad.

Article 3

The electoral list shall be drawn up by 31 July 2017, it being understood that this deadline covers all the necessary phases, including notices of bids for tender, the signing and execution of contracts for the supply of electoral kits, the identification and enrolment of voters and the display of electoral lists.

Chapter II: Sequencing of elections

Article 4

There shall be a single process for the presidential, legislative and provincial elections.

Technical and financial resources permitting, local, municipal and urban elections shall be held simultaneously with the presidential, legislative and provincial elections.

The stakeholders recommend that the Government should provide the Electoral Commission with adequate financial and logistical resources required for the holding of the above-mentioned elections in accordance with the calendar.

Chapter III: Electoral calendar

Article 5

Bearing in mind the mandatory deadlines for establishing the new electoral roll, preparing the various combined elections and the holding of such elections, the Parties have agreed on the following components of the comprehensive calendar:

(a) Establishment of the new electoral roll by 31 July 2017;

(b) Calling for elections upon the promulgation of the act on the allocation of seats by 30 October 2017;

(c) Once the polls have been scheduled, the Electoral Commission shall prepare and hold the elections for the President, national and provincial

representatives within six months. However, in collaboration with the Monitoring Committee, the Electoral Commission shall review its calendar and make such adjustments as are necessary to ensure its successful implementation;

(d) The local, municipal and urban elections shall be held simultaneously with the presidential, legislative and provincial elections, technical and financial resources permitting. Otherwise, they shall be held no later than six months after the presidential, legislative and provincial elections. This period may be extended once.

Chapter IV: Fairness and transparency of the electoral process

Article 6

In order to ensure that the electoral process is fair and transparent for all Congolese citizens and pursuant to other existing legal and normative instruments, the Parties agree as follows:

(a) All points of view shall have guaranteed access to the public media;

(b) The private media shall comply with their duty to cater to the public;

(c) The political parties and other stakeholders shall assign to all the polling centres witnesses and observers duly trained to participate in the major phases of the electoral process and the Electoral Commission and other relevant authorities shall help in doing so;

(d) The electoral code shall be strictly enforced in order to prevent fraud and any violent acts during the elections;

(e) Internally displaced persons shall be identified and adequate steps shall be taken to enable them to register and vote without prejudice to such measures as are necessary to allow them to return quickly to their habitual places of residence;

(f) The standing consultation forum for the Electoral Commission and the stakeholders should be strengthened and all major decisions shall be taken by consensus;

(g) The electoral code shall be amended to take into account gender and the concerns of people with disabilities.

Article 7

A press release shall be issued on the funds allocated to the Electoral Commission.

Chapter V: Providing security for the electoral process

Article 8

Following an overall and thorough assessment of the main challenges to providing security for the electoral process, the Parties recommend the following key actions:

I. The Government

(a) Update Decree 05/026 of 6 May 2005 on the operational plan for securing the electoral process and provide the steering committee with the resources to carry out its mandate;

(b) Establish as a matter of urgency mechanisms to monitor the activities of both domestic and international non-governmental organizations, pursuant to the legislation in force;

(c) Ensure that government agencies, the police and security services remain above politics;

(d) Re-establish civil registration records to ensure fair elections.

II. The Independent National Electoral Commission

(a) Raise public awareness about the electoral process and raise the awareness of stakeholders as to challenges of the election at the national, provincial and local levels;

(b) Inform Congolese nationals abroad about the electoral process;

(c) Increase the number of trained electoral staff, taking into account the need to ensure a fair representation of women and young people;

(d) Provide election security officers with adequate resources;

(e) Open more voter registration and polling stations and ensure fair and easy access to them;

(f) Secure the transportation of ballots and sensitive electoral material;

(g) Encourage and assist, to the extent possible, political parties and independent candidates in providing adequate training to their representatives at polling stations;

(h) Ensure that the staff of the Electoral Commission are paid in a timely manner and ensure that they sign a pledge;

(i) Involve traditional leaders and religious groups in raising awareness about the registration and voting process;

(j) Involve embassies and leaders of organized Congolese communities in raising awareness about the identification, registration and voting process;

(k) Pay special attention to the needs of vulnerable groups, including persons with mobility impairment, the blind, albinos, seniors and pregnant women, by giving them priority access during the registration and voting process;

(l) Provide reliable guides to blind persons in order to help them vote for their preferred candidates.

III. Political parties

(a) Inform their supporters about the elections and teach them the basics of civics;

(b) Sign and abide by the code of conduct;

(c) Pledge to abide by the results of the elections and be courteous to other voters;

(d) Ensure that women and young people are adequately represented on their party slates.

IV. Traditional leaders and religious groups

(a) Get involved in efforts to raise people's awareness about the elections while being aware of the need to remain apolitical;

(b) Assist the Electoral Commission, where appropriate, in identifying non-registered persons;

(c) Foster peaceful co-existence among communities.

V. United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO)

(a) Support the Government in enhancing capacities and increasing the number of trained election security officials;

(b) Provide logistical and technical assistance to the Electoral Commission to enable it to organize the elections;

(c) Ensure that the other relevant provisions of Security Council resolution 2277 (2016) are implemented.

VI. The High Audio-visual and Communications Council (CSAC)

(a) Grant all stakeholders equal access to the public media;

(b) Guarantee freedom of expression;

(c) Ensure that journalists, including foreign press correspondents in the Democratic Republic of the Congo, act in an ethical manner;

(d) Impose penalties on media outlets that incite hatred.

VII. Civil society

(a) Remain above politics;

(b) Work at building a consensus for peaceful, credible and transparent elections;

(c) Promote a culture of peace and non-violence;

(d) Educate the public and raise their awareness about what is at stake in the elections;

(e) Disseminate the relevant rules and regulations and the code of conduct;

(f) Observe the elections and report thereon in a dispassionate manner;

(g) Comment objectively on all the electoral issues.

Chapter VI: Security of persons and property throughout the country

Article 9

The Parties are mindful of pervasive threats to security such as are likely to interfere with the ability of citizens to exercise their right to vote, including:

(a) The presence of local and foreign armed groups;

(b) The proliferation and unchecked circulation of firearms;

(c) Rampant crime and major urban criminal activity;

(d) The activities of some rogue elements in the national security forces;

(e) The problem of unemployed young criminals;

(f) Clashes between the *Institut Congolais pour la Conservation de la Nature (ICCN)* and the local inhabitants relating to the boundaries of national parks and nature reserves;

(g) Humanitarian challenges, including the management of internally displaced persons;

(h) Economic crime, including the illicit exploitation of natural resources and money laundering fuelled by arms trafficking in the areas concerned;

(i) The lack of State authority;

(j) Porous borders;

(k) Poor management of migrants;

(l) Lack of trust among communities resulting in inter-communal conflicts in many provinces of the country.

Article 10

In order to address these problems and provide security to citizens, the Parties call for the following appropriate measures:

(a) Disarm the local and foreign armed groups operating in the Democratic Republic of the Congo;

(b) Impound weapons held by individuals without licences;

(c) Establish helplines and early warning centres to report any threats to security during the electoral process;

(d) Improve border security during the elections;

(e) Revitalise and speed up the disarmament, demobilization and reintegration programmes;

(f) Recruit more police officers to strengthen the existing staff and provide appropriate security for the polling stations;

(g) Ensure an effective government presence throughout the country;

(h) Take appropriate steps to ensure that government officials do not engage in politics;

(i) Provide adequate security for candidates throughout the elections;

(j) Identify internally displaced persons and send them back to their places of origin once such places have been secured;

(k) Provide employment opportunities for young people lest they are recruited by armed groups or used by political leaders;

(l) Give special attention to girls, women and children victims of violence, including sexual violence, and take appropriate preventive and punitive action;

(m) Enhance cooperation between the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo and the national security forces in order to ensure public safety and security;

(n) Move the refugee camps more than 150 kilometres away from the borders;

(o) Improve the social and professional status of the staff of security and defence agencies;

(p) Develop a special security plan for the eastern and northern parts of the country, especially in the areas where abductions and murders are rampant;

(q) Identify illegal aliens living in the Congo and take urgent measures to ensure that they do not interfere with the safety and security of persons and property in general and the electoral process in particular.

Chapter VII: Budget and financing of the elections

Article 11

The stakeholders recommend that the Electoral Commission should prepare a realistic budget for the entire electoral process under the option selected together with a credible and realistic operational plan.

Article 12

The stakeholders recommend that the Government should:

(a) Allocate the resources required for the elections budget and strictly comply with the disbursement plan agreed with the Electoral Commission under the operational implementation plan;

(b) Set aside a quarterly provision for the Electoral Commission in accordance with its disbursement plan to finance the entire electoral process, including security arrangements;

(c) Provide all the necessary resources to cover the elections;

(d) Explore ways of streamlining the electoral system in order to cut election costs.

Article 13

The stakeholders recommend that the Parliament should monitor the use of the budget allocated to Electoral Commission on a quarterly basis.

Article 14

The Electoral Commission shall prepare a detailed budget for the entire electoral process within 20 days of the signing of this Agreement and submit it to the Government.

Chapter VIII: Code of conduct for the elections

Article 15

In order to ensure that the electoral process is carried out in a peaceful manner, the Electoral Commission shall establish a code of conduct in consultation with the stakeholders immediately after the final lists of candidates for the presidential, national, provincial local, municipal and urban elections have been prepared.

The code of conduct shall set forth the principles, commitments and penalties required to ensure peaceful and orderly elections at all levels.

Article 16

The stakeholders involved in the different ballots shall pledge to sign and abide by the code.

Chapter IX: Institutions of the Republic

Article 17

Upon determining that the elections were not conducted within the constitutionally-mandated time frame and in order to ensure that the elections are actually conducted, the stakeholders agree to the following provisions on the institutions:

(a) In keeping with the Constitution, the incumbent President of the Republic shall remain in office until the newly-elected President is sworn in;

(b) The national and provincial deputies, senators, provincial governors and deputy governors shall remain in office until their duly elected successors are sworn in;

(c) Within 21 days of the signing of this Agreement, a new government of national unity shall be formed. Without prejudice to the constitutional and legislative provisions in force, the prime minister shall be chosen from among the representatives of the political opposition signatory to this Agreement.

Chapter X: Confidence-building measures

Article 18

The Parties take note of measures taken by the Government to defuse tension and to build confidence.

They encourage the Government to pursue its efforts to reduce tensions with a view to promoting harmony and national reconciliation.

Article 19

The stakeholders agree to the following confidence-building measures:

(a) Review the appointment of members of the political opposition to the Electoral Commission pursuant to the relevant rules and regulations;

(b) Strengthen the Liaison Committee between the Electoral Commission and the political parties and the consultation forums between the Electoral Commission and civil society and other non-State partners;

(c) Provide the Electoral Commission with better technological resources for the timely transmission of the results of the elections;

(d) Ensure the equitable participation of women across State institutions and bodies and in political parties, in accordance with the relevant national and international legal and regulatory instruments, including Article 14 of the Congolese Constitution, United Nations Security Council resolution 1325 (2000) and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women (2003);

(e) Increase the representation of youth in all decision-making bodies;

(f) Guarantee the right of all Congolese citizens to organize and/or participate in political meetings and events in accordance with law and order;

(g) Guarantee the right to use the media to denounce any and all forms of harassment, intimidation, interference, threats or acts of physical violence as part of the electoral process, in keeping with the law;

(h) Respect and protect journalists and other media professionals covering political events;

(i) Ensure that government agencies, security and intelligence agencies and the judiciary remain above politics;

(j) Preserve the independence of the members of the Electoral Commission;

(k) Strictly respect the principle of the separation of powers;

(l) Refrain from manipulating young people for political gain but instead commit to offer them opportunities to learn and freely form their own opinions;

(m) Conduct training for polling officers;

(n) Encourage the relevant political and social stakeholders to act in a responsible and conciliatory manner before the media or the public;

(o) Encourage the Government to step up efforts to provide free primary education throughout the country;

(p) Encourage the Government to pay off its domestic debt;

(q) Encourage the Government to take measures to increase the salaries of civil servants.

Chapter XI: Implementation and monitoring of the Agreement

Article 20

In order to ensure that this Agreement is effectively implemented, the Parties agree to establish a committee to monitor the implementation of the recommendations of the dialogue, CSD.

Article 21

The Committee shall be composed as follows:

(a) Presidential majority: seven representatives;

(b) Political opposition: seven representatives;

(c) Civil society: four representatives.

Members serve as representatives of individual entities.

Congolese personalities representing the Parties to the dialogue shall be paid by the appointing entities.

The Monitoring Committee shall hold its inaugural meeting one month following the signing of this Agreement and shall adopt rules of procedure and a programme of work for the entire election cycle covered by this Agreement.

Article 22

The Monitoring Committee shall be responsible for:

(a) Monitoring the timetable for the implementation of the Agreement;

(b) Providing regular updates on the progress of the implementation of the Agreement;

(c) Providing an interpretation of the relevant provisions of the Agreement in order to find a resolution in case of disputes among the Parties;

(d) Conducting regular assessments of the electoral process with the Electoral Commission and the Government.

Article 23

The organizations of members of the Support Group shall provide such assistance and support to the Committee as are required to carry out its mandate.

The African Union, the Southern African Development Community, the International Conference on the Great Lakes Region, the Economic Community of Central African States and other regional organizations may send evaluation missions to the Monitoring Committee and the Government.

Chapter XII: Final provisions

Article 24

This Agreement is open for signature by any political parties or groups and any civil society organizations that undertake to abide by all its provisions.

Article 25

This Agreement shall enter into force upon signature by the stakeholders in the inclusive national political dialogue.

Done at Kinshasa on 18 October 2016

(*Signed*) Edem **Kodjo**
Facilitator of the inclusive national political dialogue in
the Democratic Republic of the Congo

Annex II to the letter dated 20 October 2016 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the President of the Security Council

Press release of the President of the Republic of Chad and Chairperson of the African Union

The Chairperson of the African Union, His Excellency Idriss Deby Itno, President of the Republic of Chad, welcomes the signing of the political agreement in the Democratic Republic of the Congo.

The Chairperson of the African Union, His Excellency Idriss Deby Itno, notes with great satisfaction the signing of a Political Agreement in the Democratic Republic of the Congo following the deliberations of the inclusive national political dialogue, which started on 1 September 2016.

On this occasion, he offers his warmest congratulations to the Government and other stakeholders who participated in the process for their spirit of compromise, which made it possible, thanks to this Agreement, to lay the foundations for free, democratic and transparent elections in the Democratic Republic of the Congo.

He also welcomes the fact that a mutually acceptable date for presidential and legislative elections has been set and that all the stakeholders fully reiterated their commitment to the provisions of the Constitution.

In addition, he warmly congratulates His Excellency Edem Kodjo, the facilitator appointed by the African Union, for his patience and determination, which made it possible to achieve such an important outcome. He further congratulates the members of the facilitator support group, who made an invaluable contribution to developing the process that led to the Agreement. He conveys his special thanks to the Security Council of the United Nations, whose resolution 2277 (2016) established the framework for the dialogue. He calls on all members of the opposition who did not take part in the dialogue to join the resulting consensus outcome in order to banish the spectre of crisis from their country once and for all and to support the momentum of peace and development which the people of the Democratic Republic of the Congo have long yearned for.

The Chairperson reiterates the readiness of the African Union to support the Democratic Republic of the Congo throughout the lead-up to elections in the country.

Kinshasa, 18 October 2016

Annex III to the letter dated 20 October 2016 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the President of the Security Council

Press release of facilitator Edem Kodjo

Conclusion of the work of the inclusive political dialogue in the Democratic Republic of the Congo

The work of the inclusive national political dialogue ended today, Tuesday, 18 October 2016, with the signing of the political Agreement by all the stakeholders in the dialogue.

The signing ceremony was marked by the speeches of the Commissioner for Peace and Security of the African Union and the Deputy Special Representative of the Secretary-General of the United Nations for the Democratic Republic of the Congo and the closing statement of facilitator Edem Kodjo.

For Ambassador Smail Chergui, the Commissioner for Peace and Security of the African Union, the Agreement lays the foundations for lasting peace in the Democratic Republic of the Congo.

Mr. David Gressly, the Deputy Special Representative of the Secretary-General of the United Nations for the Democratic Republic of the Congo, urged all Congolese to support and build on the momentum created by the Agreement and to work for the common interest and for credible, peaceful elections to be held in accordance with the Constitution.

For his part, Edem Kodjo stressed that the Agreement was a document and a commitment that belonged to the Congolese people. It expressed the wish of the Congolese people and had been signed by the Congolese people. However, he warned that the signing of the Agreement should be seen as the launch of the most important phase, which would entail ensuring that the Agreement is actually implemented. "The consensus you have arrived at in this hall must be sustained and not fleeting" he said, calling for the effective implementation of the Agreement.

Indeed, for Edem Kodjo, the flowery language or legal niceties of an agreement are worth nought if its provisions are not implemented. He concluded by saying, "You are all witnesses. You must succeed."

Kinshasa, 13 October 2016

United Nations S/2016/884

Security Council

Distr.: General
24 October 2016

Original: English

Note verbale dated 20 October 2016 from the Permanent Mission of South Sudan to the United Nations addressed to the President of the Security Council

The Permanent Mission of the Republic of South Sudan to the United Nations presents its compliments to Ambassador Vitaly I. Churkin, President of the Security Council for the month of October 2016, and has the honour to forward the following documents from the Government of South Sudan:

- Two Presidential Decrees, each dated 15 October 2016 (see annexes I and II)
- A letter dated 30 September 2016 (see annex III), a letter dated 16 October 2016 (see annex IV) and a letter dated 19 October 2016 (see annex V), each from the Minister of Cabinet Affairs of the Republic of South Sudan, Martin Elia Lomurō
- Two notes verbales, each dated 15 October 2016, from the Ministry of Foreign Affairs and International Cooperation (see annexes VI and VII)

The Permanent Mission of the Republic of South Sudan would appreciate it if the present letter and its annexes could be circulated as a document of the Security Council.

The Permanent Mission of the Republic of South Sudan to the United Nations avails itself of this opportunity to renew to Vitaly I. Churkin, President of the Security Council for the month of October 2016, the assurances of its highest consideration.

16-18480 (E) 021116

Please recycle

Annex I to the note verbale dated 20 October 2016 from the Permanent Mission of South Sudan to the United Nations addressed to the President of the Security Council

Letter dated 15 October 2016 from the President of South Sudan

RSS/RO/1/23/2016

15 October 2016

The Republic of South Sudan

Republican Order No. 23/2016 for the Formation of the Humanitarian High-level Oversight Committee, 2016 A.D

1. Title and commencement:

This Order shall be cited as "The Republican Order No. 23/2016 for the Formation of the Humanitarian High-level Oversight Committee, 2016 A.D.", and shall come into force on the date of its signature by the President of the Republic.

2. The Order:

In exercise of the powers conferred upon me under article 101 (j) of the Transitional Constitution of the Republic of South Sudan 2011, I, Salva Kiir Mayardit, President of the Republic of South Sudan, do hereby issue this Republican Order for the Formation of the Humanitarian High-level Oversight Committee, composed of the following members as hereunder:

S/No	Name in full	Institution	Position
1.	Hon. Dr. Martin Elia Lomuro	Minister of Cabinet Affairs	Chairperson
2.	Hon. Hussein Mar Nyuot	Minister of Humanitarian Affairs and Disaster Management	Member
3.	Hon. Awut Deng Achuil	Minister of Gender, Child and Social Welfare	Member
4.	Lt. Gen. Mangar Buong	Deputy Chief of Staff for Operations — Sudan People's Liberation Army (SPLA)	Member
5.	Lt. Gen. Akol Koor Kuc	Director General of the Internal Security Bureau — National Security Service	Member
6.	Lt. Gen. James Biel Ruot	Deputy Inspector General of Police	Member
7.	Professor Lokulenge Lole	Chairperson of the South Sudan Relief and Rehabilitation Commission	Member

S.No	Name in full	Institution	Position
8.	Head of the United Nations Office for the Coordination of Humanitarian Affairs	United Nations Office for the Coordination of Humanitarian Affairs	Member
9.	Representative of the United Nations Mission in South Sudan (UNMISS)	UNMISS	Member

3. The terms of reference of the Committee:

The terms of reference for the Committee shall be as hereunder:

(1) To ensure that the non-governmental organization desk operates effectively without restrictions;

(2) To remove all roadblocks and illegal imposition of taxes on the humanitarian convoys;

(3) To instruct and direct all states and local governments to cooperate with humanitarian personnel;

(4) To render any available assistance to officials and personnel engaged in the process of conducting humanitarian services;

(5) To ensure that persons found to obstruct delivery of humanitarian assistance shall face the full force of the law; and

(6) The Committee shall co-opt other members as they deem necessary.

Issued under my hand and seal of the Republic of South Sudan, in Juba, this fifteenth day of the month of October, in the year 2016 A.D.

(*Signed*) Salva Kiir **Mayardit**
President Republic of South Sudan
Juba

Annex II to the note verbale dated 20 October 2016 from the Permanent Mission of South Sudan to the United Nations addressed to the President of the Security Council

Letter dated 15 October 2016 from the President of South Sudan

RSS/RO/1/24/2016

15 October 2016

The Republic of South Sudan

Republican Order No. 24/2016 Directing and Instructing the Ministerial Committee of the Transitional Government of National Unity charged with the implementation of the United Nations Security Council-Transitional Government of National Unity Communiqué of 4 September 2016 and United Nations Security Council resolution 2304 (2016) to expedite and complete its work within 14 days from the date of signing this Order, 2016 A.D.

1. Title and commencement:

This Order shall be cited as "The Republican Order No. 24/2016 Directing and Instructing the Ministerial Committee of the Transitional Government of National Unity charged with the implementation of the United Nations Security Council-Transitional Government of National Unity Communiqué of 4 September 2016 and United Nations Security Council resolution 2304 (2016) to expedite and complete its work within 14 days from the date of signing this Order, 2016 A.D", and shall come into force on the date of its signature by the President of the Republic.

2. The Order:

In exercise of the powers conferred upon me under article 101 (j) of the Transitional Constitution of the Republic of South Sudan 2011, I, Salva Kiir Mayardit, President of the Republic of South Sudan, do hereby issue this Republican Order Directing and Instructing the Ministerial Committee of the Transitional Government of National Unity charged with the implementation of the United Nations Security Council-Transitional Government of National Unity Communiqué of 4 September 2016 and United Nations Security Council resolution 2304 (2016) to expedite and complete its work within 14 days from the date of signing this Order, 2016 A.D.

Issued under my hand and seal of the Republic of South Sudan, in Juba, this fifteenth day of the month of October, in the year 2016 A.D.

(*Signed*) Salva Kiir **Mayardit**
President
Republic of South Sudan
Juba

Annex III to the note verbale dated 20 October 2016 from the Permanent Mission of South Sudan to the United Nations addressed to the President of the Security Council

Letter dated 30 September 2016 from the Minister of Cabinet Affairs of South Sudan addressed to the Permanent Representative of the United States of America

Following the signing of the Communiqué, the team of the Transitional Government of the Republic of South Sudan, headed by myself, has continued to engage actively with the United Nations Mission in South Sudan (UNMISS) so as to create a conducive environment to facilitate the smooth implementation of the issues of concern for the United Nations Security Council, as outlined in the Joint Communiqué of 4 September 2016. It is worth mentioning that the Cabinet endorsed the Communiqué during its regular meeting No. 14/2016, on 16 September 2016.

Today, 30 September 2916, the Council of Ministers approved the memo presented on the modalities worked out by the Transitional Government of National Unity and UNMISS technical teams. Importantly, it is now agreed that:

(1) A "one-stop shop" be established, comprising representatives of the relevant governmental and United Nations agencies, including UNMISS, to manage all the Security Council concerns (smooth unobstructed UNMISS mandate, expeditious clearance procedures and sharing of information);

(2) Regarding the provision of visas for personnel of United Nations agencies, including UNMISS, the Ministry of Interior has implemented Transitional Government directives, through a Ministerial Order issued to that effect on 17 September 2016. In that connection, multiple visas will be provided for United Nations employees working in South Sudan, while a request is to be submitted, 72 hours in advance, to the Ministry of Interior by the relevant United Nations agencies, for new employees, for necessary, routine checks, after which visas will be provided immediately, without hindrance;

(3) On unhindered and unrestricted delivery of humanitarian assistance across the Republic of South Sudan, the Council of Ministers reiterates an open policy for the provision of humanitarian assistance to all without exception. His Excellency, the President, will reinforce this policy by issuing an enabling Presidential Decree to that effect. Some of the critically important proposals include the following:

(1) Briefing 1 on Juba security arrangements;

(2) Briefing 2 on cantonment, unification and demobilization of forces;

(3) Harmonized Juba security arrangements, including establishment of the Joint Integrated Police Joint Operations Centre;

(4) Presentation of the Ceasefire and Transitional Security Arrangements Monitoring Mechanism on transitional security arrangements;

(5) Outline of "decisions reached" on transitional security arrangements during the Joint Monitoring and Evaluation Commission workshop.

To ensure that the above agreed modalities and strategies are fully implemented, especially those the Transitional Government reached with the Security Council delegation, as in the Communiqué of 4 September 2016, the Council has confirmed and directed the Committee, headed by myself, as the Minister of Cabinet Affairs and the Chair of the Governance Cluster, to follow up and ascertain that all the proposals and modalities are implemented and progress is reported to the Council of Ministers routinely.

Our Technical Committee, including members of the Sudan People's Liberation Movement in Opposition, effectively participated in the Joint Monitoring and Evaluation Commission workshop on transitional security arrangements, held in Juba on 21 and22 September 2016. During the workshop, issues of cantonments, joint patrol routes, locations for checkpoints on the roads to and from Juba, tasks and areas of responsibility for forces that will be responsible for the protection of Juba International Airport, frequency and routes for day and night patrols in Juba Town, were discussed and agreed.

The Government reiterated, during the workshop, its position on welcoming the deployment of the Regional Protection Force from any African country and not necessarily from Intergovernmental Authority on Development member countries. The Government is also ready to provide land upon the realignment of the status of forces agreement and upon the submission of a formal request by UNMISS.

The Transitional Government Council of Ministers, chaired by His Excellency, the President, considered it appropriate to update you on the practical steps the Government has taken after your recent visit to the Republic of South Sudan, as called for by the implementation of the signed Communiqué as well as Security Council resolution 2304 (2016).

Furthermore, I wish to commit myself to update the Security Council on an ongoing basis to underpin my Government's commitment to the implementation of the contents of our Joint Communiqué of 4 September 2016 and the specific issues with regard to resolution 2304 (2016).

I would highly appreciate it if you could share and disseminate the contents of this updating letter with your colleagues, members of the United Nations Security Council, in general, and those who accompanied you in your recent visit to Juba, in particular.

While awaiting a response from your end, please accept the assurances of my highest consideration and that of my colleagues in the Government of the Republic of South Sudan.

(*Signed*) Martin Elia **Lomurō**
Minister of Cabinet Affairs

Annex IV to the note verbale dated 20 October 2016 from the Permanent Mission of South Sudan to the United Nations addressed to the President of the Security Council

Letter dated 16 October 2016 from the Minister of Cabinet Affairs of South Sudan addressed to the President of the Security Council

I write in furtherance to the first update, dated 30 September 2016, in which I committed myself to update the Security Council on an ongoing basis to underpin my Government's commitment to the implementation of the contents of our Joint Communiqué of 4 September 2016 and the specific issues with regard to Council resolution 2304 (2016). In addition, we deem it appropriate to follow up the report of the Secretary-General on developments in South Sudan, dated 10 October 2016, which he submitted to the President of the Council and transmitted for the information of Council members. The report provides a relevant opportunity, as I update the Council regarding the progress made so far by the Transitional Government of National Unity in the implementation of the Joint Communiqué and resolution 2304 (2016), specifically, as follows:

1. *Scope of the tasks of the Regional Protection Force*. The Government has repeatedly reiterated its position on welcoming the deployment of the Regional Protection Force, not necessarily from the Intergovernmental Authority on Development countries but from within the continent, as is the "norm" with United Nations force deployment the world over. So far, agreement for joint Transitional Government of National Unity-United Nations Mission in the Republic of South Sudan (UNMISS) Regional Protection Force protection of major installations, such as Juba International Airport, essential roads, patrols and checkpoints, has been reached. The statement in the Secretary-General's report to the Council that the Transitional Government is placing limitations on the demilitarization of certain civilian installations is misleading. The spirit adopted by the Transitional Government and UNMISS teams has proved to be cementing the cooperation and partnership between the two organizations and should be encouraged rather than frustrated. I therefore assert that the consent of the Government for the deployment of the Force has been very firm and consistent, not constantly changing, as indicated in the Secretary-General's report. The Transitional Government intends to establish a common understanding with UNMISS on key elements of resolution 2304 (2016), with special attention to the Force mandate to avoid misunderstandings in the future. Hence, the position of the Transitional Government on this matter remains firm and committed.

2. *Allocation of land for the Regional Protection Force and renewal of the land lease for the UNMISS Tongping compound*. The Transitional Government of National Unity acknowledges receipt of the request from UNMISS for the allocation of land to accommodate the Regional Protection Force. In this respect, the Transitional Government confirms that its technical team has discussed the request and is due to share its views with UNMISS. The Transitional Government envisages no obstacle with regard to this critical matter.

As to the renewal of the UNMISS Tongping compound land lease, the Transitional Government is facing two challenges, namely: (a) the current UNMISS

Tongping compound is a combination of private plots and the Juba International Airport expansion area. Regarding the private plots, the government of Jubek state has been engaged and its response is being awaited; and (b) Juba International Airport is undergoing development and expansion to meet International Civil Aviation Organization standards and other related international safety considerations.

However, I am delighted to report that UNMISS has been given 1.0 x 2.0 square kilometres of land where the current Office of the Special Representative of the Secretary-General is located. The size — and there is the potential for increase — and the location of the new UNMISS compound are deemed to be more appropriate and comfortable.

While the renewal of the UNMISS Tongping land lease has no relevance to UNMISS mandate execution, as stated in the report of the Secretary-General, I wish to advise that in South Sudan, like elsewhere in the world, land ownership is administered according to law.

The Transitional Government cannot dislodge a citizen from his/her legally owned plot; it can only do so with the consent of the legal owner. Otherwise, the Government will be in violation of the Bill of Rights stipulated in the Transitional Constitution of the Republic of South Sudan. Nevertheless, should the Transitional Government fail to resolve the challenges it faces to renew the land lease of the UNMISS Tongping compound, it sees no operational obstructions for UNMISS to relocate to the new site.

3. *Troop-contributing countries and the acceptance by Ethiopia, Kenya and Rwanda to contribute troops for the Regional Protection Force.* The Transitional Government acknowledges receipt of the advisory note from the United Nations Security Council to the effect that Rwanda, Kenya and Ethiopia have expressed interest in contributing troops for the Regional Protection Force assigned to the Republic of South Sudan. The Transitional Government expresses its gratitude to the Council and has the honour to confirm that concerns regarding the acceptance by the Transitional Government of the troops of contributing countries have also been taken into account for decision-making. The Transitional Government wishes to convey to the Council that its technical team is finalizing the various related issues and will confirm its final position on the matter within 14 days, as ordered by His Excellency, the President of the Republic.

4. *Removal of impediments to the ability of UNMISS to implement its mandate.* The position of the Transitional Government, as set forth in the Joint Transitional Government — Security Council Communiqué of 4 September 2016, remains unchanged, that is, to permit free movement of UNMISS in conformity with its mandate.

The inclusion of Joint Verification and Monitoring Mechanism liaison personnel in convoys to Eastern and Western Equatoria is intended to remove obstructions and solve problems en route, because the personnel are the coordinators between UNMISS and the Transitional Government.

The Transitional Government is disappointed that the Secretary-General should label the participation of the Joint Verification and Monitoring Mechanism in convoys as a violation of the status-of-forces agreement rather than a positive

mechanism to facilitate the process, unless there are reasons unknown to the Transitional Government as to why the Secretary-General wants UNMISS to travel in exclusion of the Joint Verification and Monitoring Mechanism or government presence.

5. *Humanitarian access, elimination of illegal checkpoints and review of modalities for streamlining bureaucratic processes and access to populations in need.* The position of the Transitional Government, as set forth in the Joint Transitional Government-Security Council Communiqué of 4 September 2016, remains unchanged, that is, it is committed to improving humanitarian access, including by providing assistance in eliminating illegal checkpoints and by reviewing, in consultation with the United Nations Humanitarian Coordinator, modalities for streamlining bureaucratic processes and access to populations in need.

In this respect, His Excellency, the President of the Republic of South Sudan, Salva Kiir Mayardit, issued Republican Order No. 23/2016 on 15 October 2016, establishing the Humanitarian High-level Oversight Committee, headed by the Minister of Cabinet Affairs, to safeguard and guarantee unhindered and unrestricted delivery of humanitarian assistance across the entire country.

The Humanitarian High-level Oversight Committee is entrusted with the following terms of reference:

(a) To ensure that the non-governmental organization desk operates effectively and smoothly to achieve its objectives;

(b) To remove all roadblocks and the illegal imposition of taxes on humanitarian convoys;

(c) To instruct and direct all state and local governments to cooperate with humanitarian agencies and personnel and ensure their safety;

(d) To render any available assistance to the officials and personnel engaged in the unhindered and unrestricted delivery of humanitarian services;

(e) To ensure that any person found to obstruct the delivery of humanitarian assistance faces the full force of the law.

6. *Civil aviation regulations prohibiting the operation of aircraft older than 20 years in the Republic of South Sudan.* The civil aviation regulations were put in place for safety considerations and for the protection of the environment. It is worth noting that South Sudan has experienced several fatal accidents owing to the use of old aircraft and poor service in its space. The concern of the World Food Programme that these regulations may severely impact the movement of humanitarian actors and the delivery of food across the country is being considered as a special case, considering its stringent aircraft service regime.

7. Finally,

7.1 The Transitional Government would like to reiterate that it is fully committed to translate the provisions of the Communiqué to improve the freedom of movement of UNMISS on the ground and that its commitment will never amount to business as usual.

7.2 The Transitional Government wishes to point out that since its engagement and subsequent signing of the 4 September 2016 Communique, it continued to develop operational modalities with UNMISS, as agreed. Unfortunately, the Security Council consistently signals doubts and shows absolutely no appreciation for the positive steps already taken. This modus operandi frustrates cooperation and should be reconsidered.

7.3 The Agreement on the Resolution of the Conflict in the Republic of South Sudan stipulates political and good governance reforms that are cardinal in the reform agenda of the Transitional Government. Its implementation therefore is central to the political objectives of the Transitional Government, supported by strong political will.

7.4 The Transitional Government has repeatedly explained the non-existence of the ethnic dimension associated with the conflict in South Sudan. The Government and the Sudan People's Liberation Movement/Army in Opposition enjoy membership across the ethnic composition of South Sudan. Today, there are members of the Nuer community being hosted in Dinka areas such as the Greater Warrap, the home of President Salva Kiir Mayardit.

7.5 The Security Council should instead urge stakeholders who have defected and declared war against the Government, using ethnicity as their political instrument, to join hands with the Government in the implementation of the Agreement on the Resolution of the Conflict in the Republic of South Sudan. The Transitional Government takes this opportunity to reiterate its call for the Council to denounce and strongly condemn Riek Machar, Lam Akol and their followers for their persistence in continuing armed struggle in South Sudan, in favour of political discourse.

7.6 The Transitional Government affirms that the Sudan People's Liberation Army is not conducting military operations in any part of the country since the declaration of the Permanent Ceasefire Agreement and the Transitional Security Arrangements, except in self-defence.

7.7 The Security Council should be assured that the leadership of South Sudan rejects war, as repeatedly announced by the President, and that the leadership considers the interests of the people of South Sudan as its top priority, because they have suffered enough over many years of struggle for freedom and independence.

7.8 The political leadership of the country, at the level of the President, has repeatedly declared that it is for peace and not war. The leadership is well aware about the fact that the people of South Sudan have suffered enough and that it is high time for them to enjoy the dividends of peace and stability. In this context, the Transitional Government has agreed to a new spirit of cooperation with the region and the international community, especially the United Nations, to advance the interests of the South Sudanese people, particularly their aspiration for justice, liberty

and prosperity, as set forth in the Joint Transitional Government-Security Council Communiqué of 4 September 2016.

7.9 To that effect, the policy direction declared by the President of the Republic is for the Transitional Government to continuously engage UNMISS and other relevant stakeholders, to finalize the agreed modalities and strategies, as outlined in my first update, particularly on the establishment of a "one-stop shop", to manage all the Security Council concerns with regard to the provision of visas and clearances, unhindered delivery of humanitarian assistance, security arrangements, cantonment, unification and demobilization of forces, and harmonization of Juba security arrangements, including establishment of the Joint Integrated Police/Joint Operations Centre.

7.10 To expedite the implementation of all the provisions of the joint Security Council-Transitional Government of National Unity Communiqué of 4 September 2016, His Excellency, The President of the Republic of South Sudan, issued Republican Order No. 24/2016 on 15 October 2016, in which he directed and instructed the Ministerial Committee of the Transitional Government of National Unity, charged with the responsibility of its implementation, to complete its work within 14 days from the date of its signature by the President.

In conclusion, thank you for the rare opportunity to address you on this matter of critical importance to the Republic of South Sudan, its leadership and people. I trust and humbly request that you circulate this second update, which I submit on behalf of my Government, to your colleagues, the members of the Security Council. Otherwise, I look forward to receiving a response from you and please do accept the assurances of my highest consideration and that of my colleagues in the Transitional Government of the Republic of South Sudan.

(*Signed*) Martin Elia **Lomurō**
Minister of Cabinet Affairs

Annex V to the note verbale dated 20 October 2016 from the Permanent Mission of South Sudan to the United Nations addressed to the President of the Security Council

Letter dated 19 October 2016 from the Minister of Cabinet Affairs of South Sudan addressed to the President of the Security Council

I write, following my letter of 16 October 2016, specifically with reference to the issue of troop-contributing countries in relation to the implementation of Security Council resolution 2304 (2016). I can now confirm the acceptance of His Excellency, President Salva Kiir Mayardit, for Rwanda, Kenya and Ethiopia to contribute troops for the Regional Protection Force, as requested by the Security Council in its note verbale of 22 September 2016.

As you are aware, His Excellency, the President, ordered the Transitional Government of National Unity team charged with the responsibility of articulating modalities for the implementation of resolution 2304 (2016), including preparations for the arrival of the Regional Protection Force, to complete its work within 14 days from 16 October 2016. It is my understanding that His Excellency, the President, will engage his colleagues in the region on the details of this and other related matters.

Allow me also to take this opportunity to clarify the position of the Transitional Government regarding the UNMISS Tongping compound. It is not true that the Transitional Government intends to evict UNMISS from its current location. My Government recognizes that such a drastic action would be seriously disruptive to UNMISS operations. While seeking land-lease renewal from the landlords, the Government is also launching a joint effort with UNMISS to develop a long-term solution to resolve the private property claims and South Sudan's property development goals for that site. I sincerely hope that the Security Council will understand our position in this regard.

I look forward to further update you on issues related to the joint Security Council-Transitional Government of National Unity Communiqué of 4 September 2016. In the meantime, please accept the assurances of my highest consideration and that of my colleagues in the Transitional Government of National Unity.

(*Signed*) Martin Elia **Lomurö**
Minister of Cabinet Affairs

Annex VI to the note verbale dated 20 October 2016 from the Permanent Mission of South Sudan to the United Nations addressed to the President of the Security Council

Note verbale dated 15 October 2016 from the Ministry of Foreign Affairs and International Cooperation of South Sudan addressed to the United Nations Mission in South Sudan

The Republic of South Sudan

Ministry of Foreign Affairs and International Cooperation

Headquarters — Juba

RSS/MEA&IC/OM.I/3/40/05

Note verbale

The Ministry of Foreign Affairs and International Cooperation of the Republic of South Sudan presents its compliments to the United Nations Mission in South Sudan (UNMISS) and has the honour to communicate the following:

(1) The Transitional Government of National Unity acknowledges receipt of the latter's request for land to accommodate the Regional Protection Force. In this respect, the Transitional Government confirms that its technical team has discussed the request and is due to share its views with UNMISS;

(2) On the renewal of the UNMISS land lease, the Transitional Government of National Unity is pleased to report that UNMISS has been allocated 1.0 x 2.0 square kilometres of land where the current Office of the Special Representative of the Secretary-General is located. The current Tongping area comprises lands belonging to individuals and part of Juba International Airport (which is undergoing expansion). The Transitional Government therefore deems it more appropriate to relocate UNMISS to a much bigger and convenient location, as indicated above.

The Ministry of Foreign Affairs and International Cooperation of the Republic of South Sudan avails itself of this opportunity to renew to the United Nations Mission to South Sudan the assurances of its highest consideration.

15 October 2016

United Nations Mission to South Sudan
Juba

Cc: Permanent Mission of the Republic of South Sudan to the United Nations
New York

Cc: Permanent Mission of the United States of America to the United Nations
New York

Annex VII to the note verbale dated 20 October 2016 from the Permanent Mission of South Sudan to the United Nations addressed to the President of the Security Council

Note verbale dated 15 October 2016 from the Ministry of Foreign Affairs and International Cooperation of South Sudan addressed to the Security Council

The Republic of South Sudan

Ministry of Foreign Affairs and International Cooperation

Headquarters — Juba

RSS/MFA&IC/OM.I.3.40/06

Note verbale

The Ministry of Foreign Affairs and International Cooperation of the Republic of South Sudan presents its compliments to the United Nations Security Council and has the honour to acknowledge receipt of the latter's advisory note to the effect that Rwanda, Kenya and Ethiopia, respectively, have expressed interest to contribute troops for the Regional Protection Force in the Republic of South Sudan.

(1) The Transitional Government of National Unity therefore confirms that concerns regarding the acceptance by the Transitional Government of troops by contributing countries have also been taken into account.

(2) The Transitional Government of National Unity wishes to convey to the Security Council that its Technical Working Group is finalizing its work on the various related issues and will confirm its final position on the matter within 14 days.

The Ministry of Foreign Affairs and International Cooperation of the Republic of South Sudan avails itself of this opportunity to renew to the United Nations Security Council the assurances of its highest consideration.

15 October 2016

United Nations Security Council
New York

Cc: Permanent Mission of the Republic of South Sudan to the United Nations
New York

Cc: Permanent Mission of the United States of America to the United Nations
New York